IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO. 6797 OF 2005

Vivek Ashok Singh. .. .. .Petitioner

Versus

The State of Mahaarashtra. .. ...Respondent

Smt. Revati Mohite-Dere, Advocate, for the Petitioner.

Shri. R. Y. Mirza, A. P. P., for the Respondent-State.

CORAM : S. C.DHARMADHIKARI, J.
DATE : NOVEMBER 16, 2005

P. C.

. Heard Smt. Mohite-Dere, the learned Advocate for the petitioner, and Shri. Mirza, the learned A.P.P. for the State.

2. Smt. Mohite-Dere contends that the applicant had moved for bail before the Sessions Court on two occasions. The first application was prior to the filing of the chargesheet and that has been rejected on 26.5.2005. The second application has been rejected on 12.8..2005. The second application is obviously after the chargesheet is filed. The chargesheet was filed on

12.7.2005.

3. Smt. Mohite-Dere submits that the learned Judge has observed in paragraph (5) of the order passed on the second application that the First Information Report does not give any specific overt act on the part of the present applicant. Despite holding so, the bail application has been rejected. While so rejecting the bail application, the learned Sessions Judge has referred only to the role played by applicant No.1, namely, Anshuman @ Rajnikant Vinay Pande. In the order passed on the second bail application, there has been no consideration of the case of the present applicant-petitioner. In the aforesaid facts and circumstmances of the case she submits that the petitioner desires filing of a fresh bail applicaition, the earlier bail application filed jointly, having been rejected. She seeks leave to withdraw the present application in these circumstances.

4. In my view, interests of justice would be served if the learned Judge is directed to consider the application to be made by the petitioner on its own merit and in accordance with law, uninfluenced by the fact that bail has been denied to Anshuman @ Rajnikant Vinay Pande.

(S. C. Dharamadhikari, J.)